

Notice of Allowability

Application No.

10/645,452

Examiner

Huy D. Nguyen

Applicant(s)

ATKINSON, PAUL

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/27/2005.
2. ☒ The allowed claim(s) is/are 1,2,6-14,18-39 and 43-61.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

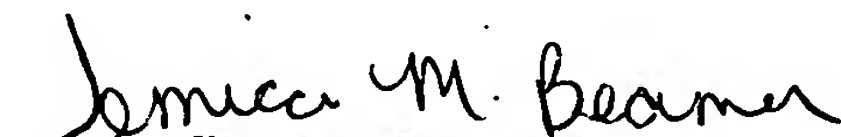
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


TEMICA BEAMER
PRIMARY EXAMINER
12123105

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Julio Loza on 12/12/2005.

The application has been amended as follows:

Claim 1, line 2: after "a phone", -- over a first path -- has been inserted.

Claim 1, line 5: "and" has been deleted.

Claim 1, line 6: after "second acoustic transmission", "." has been deleted; the following language has been inserted: -- , wherein multiple secondary acoustic transmissions are received and processed to identify a match between the first acoustic transmission and one of the secondary acoustic transmissions; and wherein the number of secondary acoustic transmissions processed to identify the match is reduced by using at least one of: a phone number associated with the phone, information related to a user of the phone, a call-in number used by the user of the phone, and other information provided by the user of the phone. --.

Claims 3-5 have been canceled.

Claim 14, line 7: after "the first path", "." has been deleted; the following language has been inserted: -- ; wherein the second acoustic transmission is one of multiple secondary acoustic transmissions received and processed to identify a match between the first audio transmission

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and the second audio transmission; and reducing the potential number of secondary audio transmissions by using at least one of: a phone number associated with the phone, information related to a user of the phone, a call-in number used by the user of the phone, and other information provided by the user of the phone. --.

Claims 15-17 have been canceled.

Claim 31, line 2: after “transmission”, -- from a phone -- has been inserted.

Claim 31, line 4: after “audible content”, “.” has been deleted; the following language has been inserted: -- ; reducing the potential number of said other acoustic transmissions by using at least one of: a phone number associated with the phone, information related to a user of the phone, a call-in number used by the user of the phone, and other information provided by the user of the phone.

Claim 33, line 7: after “transmission”, “.” has been deleted; the following language has been inserted: -- ; wherein the second acoustic transmission is one of multiple secondary acoustic transmissions received and processed to identify a match between the first acoustic transmission and the second acoustic transmission; and reduce the potential number of other secondary acoustic transmissions by using at least one of: a phone number associated with the phone, information related to a user of the phone, a call-in number used by the user of the phone, and other information provided by the user of the phone. --.

Claim 36, line 2: after “a phone”, -- over a first path -- has been inserted.

Claim 36, line 3: before “acoustic transmission”, “secondary” has been deleted; -- second -- has been inserted.

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Claim 36, line 6: after “transmission”, “.” has been deleted; the following language has been inserted: -- , wherein the second acoustic transmission is one of multiple secondary transmissions received and processed to identify a match between the first acoustic transmission and one of the secondary acoustic transmissions; and means for reducing the potential number of secondary acoustic transmissions by using at least one of: a phone number associated with the phone, information related to a user of the phone, a call-in number used by the user of the phone, and other information provided by the user of the phone. --.

Claim 37, line 4: after “telephone”, -- over a first path -- has been inserted.

Claim 37, line 7: after “audible content”, the following language has been inserted: -- reduce the potential number of other audible acoustic transmissions by using at least one of: a phone number associated with the user’s telephone, information related to a user of the telephone, a call-in number used by the user of the telephone, and other information provided by the user of the telephone; --.

Claim 38, line 3: after “first path”, -- from a phone -- has been inserted.

Claim 38, line 3: after “received through a”, “different” has been deleted; --second -- has been inserted.

Claim 38, line 3: after “second path”, “.” has been deleted; the following language has been inserted: -- ; reducing the potential number of one or more audio transmissions by using at least one of: a phone number associated with the user’s phone, information related to a user of the phone, a call-in number used by the user of the phone, and other information provided by the user of the phone; and matching the first audio transmission to a second audio transmission

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received over the second path, the second audio transmission being one of the one or more audio transmissions. --.

Claims 40-42 have been canceled.

Claim 55, line 3: after “via a”, “different” has been deleted; -- second -- has been inserted.

Claim 55, line 5: after “encoded mark”, “;” has been deleted; the following language has been inserted: -- , the first path established via a phone; reducing the potential number of one or more audio transmissions by using at least one of: a phone number associated with the phone, information related to a user of the phone, a call-in number used by the user of the phone, and other information provided by the user of the phone; --.

2. The following is an examiner’s statement of reasons for allowance:

Regarding claims 1, 14, 31, 33, 36-38, 55, the cited prior arts, either alone or in combination, fail to teach that multiple secondary acoustic transmissions are received and processed to identify a match between the first acoustic transmission and one of the secondary acoustic transmissions; and wherein the number of secondary acoustic transmissions processed to identify the match is reduced by using at least one of: a phone number associated with the phone, information related to a user of the phone, a call-in number used by the user of the phone, and other information provided by the user of the phone, in combination with all of other limitations in the claims.

Claims 2, 6-13, 18-30 depend on claim 1. Therefore, they are allowable.

Claim 32 depends on claim 31. Therefore, it is allowable.

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Claims 34-35 depend on claim 33. Therefore, they are allowable.

Claims 39, 43-54 depend on claim 38. Therefore, they are allowable.

Claims 56-61 depend on claim 55. Therefore, they are allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Contact Information

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy D. Nguyen whose telephone number is 571-272-7845. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Huy
Huy Nguyen

Jemica M. Beamer
JEMICA BEAMER
PRIMARY EXAMINER
12/23/05